

May 14, 1973

Nation's senior citizens available to our Nation's economy to a greater degree than is presently possible. I strongly believe that senior citizens, for the most part, want to remain active contributing members of the community for as long as possible. America's 20 million senior citizens are largely responsible for the unprecedented wealth and power that our Nation has achieved and I believe that we should not exclude them from actively participating in the economic affairs of our Nation.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the CONGRESSIONAL RECORD at the completion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1787

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraphs (1), (3), and (4) (B) of section 203(f), and paragraph (1)(A) of section 203 (h), of the Social Security Act are each amended by striking out "\$175" and inserting in lieu thereof "\$233.33".*

(b) The amendments made by subsection (a) shall apply with respect to taxable years ending after December 1973.

By Mr. BENTSEN:

S. 1789. A bill to designate certain lands in the Guadalupe Mountains National Park, Tex., as wilderness; and

S. 1790. A bill to amend section 3(a) of the Wild and Scenic Rivers Act, as amended. Referred to the Committee on Interior and Insular Affairs.

Mr. BENTSEN. Mr. President, I am today introducing legislation to protect and conserve two of the most scenic and unspoiled areas in the continental United States. I am referring to the rugged desert wilderness of the Guadalupe Mountains National Park and to the awesome lower canyons that bound the Rio Grande along its banks through the Big Bend National Park and down the southern stretches of the river.

Each of these areas represents a unique portion of the Southwest that encompasses some of the most sparsely inhabited and well-preserved wilderness on the North American Continent. The lower canyons of the Rio Grande can only be compared to such wild river canyons as the Grand Canyon of the Colorado and the Hell's Canyons of the Snake River. The lower canyon regions of the river are so wild and uninhabitable that they remained unexplored and uncharted until the early 1900's.

In approving the National Wild and Scenic Rivers Act the Congress authorized a study of the Rio Grande for protection as a part of the wild river system. The areas I have proposed are an obvious candidate for designation of a wild river and I am recommending that this stretch of the river be included in the wild river system as soon as possible. One need only visit this rugged area and canoe through the sheer cliffs of Mariscal and Boquillas Canyons to experience the majesty and force of this river and to understand why it must be preserved.

The Guadalupe Mountains National Park is located in the western-most re-

gion of the State on the Texas-New Mexico border. My bill would designate 46,850 acres of the area within Guadalupe Mountains National Park as a wilderness. This proposal is based upon a recommendation of the National Park Service, and was recommended to the 92d Congress by the Park Service for inclusion in the National Wilderness Preservation System.

The Guadalupe Mountains National Park comprises over 77,000 acres of Chihuahuan Desert marked by such prominent mountain peaks as El Capitan and the highest point in Texas, Guadalupe Peak. The most important feature of the wilderness area however is the distinctive relic forest referred to as the Bowl and the unique geology and fragile biology of McKittrick Canyon which is located at the northern edge of the designated area. The entire park is marked by a rugged topography that includes a variety of vegetation which are of considerable scientific interest and a scenic landscape that has made the park a popular addition to the National Park System.

By including these two stretches of Texas wilderness in the Wild River System and the Wilderness Area Preservation System we will set them aside for special protection and restricted development.

Despite their rugged appearance both areas are parts of ecological systems that are easily damaged and difficult to repair. The life cycle of a desert ecology is literally a slow-motion sequence. The vegetation and relic trees of the Guadalupe Mountains have already suffered damage due to extensive use of the park. We must act now to insure that this natural heritage is saved for future enjoyment and scientific study.

Likewise, the steep canyons and rugged banks of the Rio Grande are susceptible to the blight of unregulated development or improper use that often follows upon the popular use of such a scenic area. In each of these cases we must be willing to take a stand and to leave these works of nature unmarred by the designs of man. Conservation for conservation's sake is more than justified when one is speaking of such spectacular beauty as contained in these two regions of Texas.

I urge the Committee on Interior and Insular Affairs to give these two measures prompt and favorable consideration.

By Mr. FULBRIGHT (by request):

S. 1791. A bill to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service retirement and disability system, and for other purposes. Referred to the Committee on Foreign Relations.

AMENDMENT OF THE FOREIGN SERVICE ACT OF 1946

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend title VIII of the Foreign Service Act of 1946, as amended, relating to the Foreign Service retirement and disability system, and for other purposes.

The bill has been requested by the De-

partment of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Acting Assistant Secretary of State to the Vice President dated April 19, 1973.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1791

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Service Retirement Amendments of 1973".*

TITLE I—AMENDMENTS OF TITLE VIII OF FOREIGN SERVICE ACT

FSS PARTICIPATION

SEC. 101. (a) Section 803 of the Foreign Service Act of 1946 (22 U.S.C. 801-1159) is amended by adding the following subparagraph at the end of paragraph (a) thereof:

"(4) All Foreign Service staff officers and employees appointed by the Secretary of State or the Director of the United States Information Agency with unlimited appointments."

(b) Section 803 of such Act is further amended by changing the reference at the end of subparagraph (b) (2) from "852(b)" to "811".

(c) Section 803 of such Act is further amended by deleting paragraph (c) thereof.

DEFINITIONS

SEC. 102. (a) The heading of section 804 of such Act is amended to read "DEFINITIONS".

(b) Section 804 of such Act is amended by deleting paragraph (a), the preface in paragraph (b), and subparagraphs (b) (1), (2) and (3) and substituting the following in lieu thereof immediately following the section number:

"When used in this title unless otherwise specified, the term—

"(a) 'Annuitant' means any person including a former participant or survivor who meets all requirements for an annuity from the Fund under the provisions of this or any other Act and who has filed claim therefor.

"(b) 'Surviving spouse' means the surviving wife or husband of a participant or annuitant who, in the case of a death in Service or marriage after retirement, was married to the participant or annuitant for at least two years immediately preceding his or her death or is the parent of a child born of the marriage.

"(c) 'Child' except in section 841 means an unmarried child, under the age of eighteen years, or such unmarried child regardless of age who because of physical or mental disability incurred before age eighteen is incapable of self-support. In addition to the offspring of the participant, the term includes (i) an adopted child, (ii) a stepchild or recognized natural child who received more than one-half support from the participant, and (iii) a child who lived with and for whom a petition of adoption was filed by a participant, and who is adopted by the surviving spouse of the participant after the latter's death. 'Child' also means an unmarried student below the age of twenty-two years. For this purpose a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while a student, is deemed to have become twenty-

May 14, 1973

two years of age on the first day of July after that birthday.

"(d) 'Student' means a child regularly pursuing a fulltime course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution. A child who is a student shall not be deemed to have ceased to be a student during any interim between school years, semesters, or terms if the interim or other period of nonattendance does not exceed five calendar months and if the child shows to the satisfaction of the Secretary that he or she has a bona fide intention of continuing to pursue such course during the school year, semester, or term immediately following the interim.

"(e) 'Military and naval service' means honorable active service—

"(A) in the Armed Forces of the United States;

"(B) in the Regular or Reserve Corps of the Public Health Service after June 30, 1960; or

"(C) as a commissioned officer of the National Oceanic and Atmospheric Administration or predecessor organization after June 30, 1961;

but does not include service in the National Guard except when ordered to active duty in the service of the United States."

(c) Section 804 of such Act is further amended (A) by renumbering present subparagraphs "(b)(4)", "(5)" and "(6)" as "(f)", "(g)" and "(i)", respectively and (B) by adding the following as a new paragraph immediately following renumbered paragraph (g):

"(h) 'Foreign Service normal cost' means the level percentage of payroll required to be deposited in the Fund to meet the cost of benefits payable under the System (computed in accordance with generally accepted actuarial practice on an entry-age basis) less the value of retirement benefits earned under another retirement system for Government employees and less the cost of credit allowed for military service."

#### CONTRIBUTIONS

Sec. 103. (a) The heading of Part B of Title VII of such Act is amended to read "CONTRIBUTIONS TO THE FUND".

(b) Section 811 of such Act is amended by adding the following paragraphs at the end thereof:

"(c) (1) If an officer or employee under another retirement system for Government employees becomes a participant in the System by direct transfer, such officer or employee's total contributions and deposits that would otherwise be refundable on separation, including interest accrued thereon, except voluntary contributions, shall be transferred to the Fund effective as of the date such officer or employee becomes a participant in the System. Each such officer or employee shall be deemed to consent to the transfer of such funds and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered prior to becoming a participant in the System.

"(2) No officer or employees, whose contributions are transferred to the Fund in accordance with the provisions of paragraph (c) (1) of this section, shall be required to make contributions in addition to those transferred, for periods of service for which required contributions were made to the other Government retirement fund, nor shall any refund be made to any such officer or employee on account of contributions made during any period to the other Government retirement fund, at a higher rate than that fixed by paragraph (d) of this section.

"(d) Any participant credited with civilian service after July 1, 1924 (1) for which, for any reason, whatsoever, no retirement contributions, deductions, or deposits have been

made or (2) for which a refund of such contributions, deductions, or deposits has been made which has not been redeposited, may make a special contribution to the Fund equal to the following percentages of basic salary received, for such services:

Service and Percent of Basic Salary	
From July 1, 1924, to October 15, 1960, inclusive	5
From October 16, 1960, to December 31, 1969, inclusive	6½
On and after January 1, 1970	7

Notwithstanding the foregoing, a deposit for prior nondepositing service as a National Guard technician which would be creditable under subchapter III, chapter 88, title 5 of the United States Code toward Civil Service retirement and for which a special contribution has not been made, shall be equal to the deposit for such service computed in accordance with the above schedule multiplied by the percentage of such service that is creditable under section 851. Special contributions shall include interest computed from the midpoint of each service period included in the computation, or from the date refund was paid, to the date of deposit or commencing date of annuity, whichever is earlier. Interest shall be compounded at the rate of 4 percentum per annum to December 31, 1974, and at 3 percentum per annum thereafter. No interest shall be charged on special contributions made after the date of enactment of the Foreign Service Retirement Amendments of 1973 for any period of separation from Government service which began before October 1, 1956. Special contributions may be paid in installments when authorized by the Secretary.

"(e) For purposes of a survivor annuity, a survivor of a deceased participant or annuitant may make a special contribution.

"(f) No contributions shall be required for any periods of military or naval service.

"(g) A participant or survivor may make a special contribution anytime before receipt of annuity and may authorize payment by offset against initial annuity accruals."

#### COMPUTATION OF ANNUITIES

Sec. 104. (a) The heading of Part C of Title VIII of such Act is amended to read

"COMPUTATION AND PAYMENT OF ANNUITIES"

(b) Paragraph (a) of section 821 of such Act is amended (A) by striking the phrase "for which full contributions have been made to the Fund" each time it appears and by striking the commas immediately preceding and following such phrase the first time it appears, (B) by striking "852" and (C) by adding the following sentence at the end: "The annuity shall be reduced by 10 percentum of any special contribution described in section 811(d) due for service for which no contributions were made and remaining unpaid unless the participant elects to eliminate the service involved for purposes of annuity computation."

(c) Paragraph (b) of section 821 of such Act is amended to read as follows:

"(b) (1) Unless elected in writing to the contrary at the time of retirement, any married participant shall receive a reduced annuity and provide a maximum survivor annuity for his or her spouse. Such a participant's annuity or any portion thereof designated in writing by the participant as the base for the survivor benefit shall be reduced by 2½ percentum of the first \$3,600 plus 10 percentum of any amount over \$3,600. If an annuitant entitled to receive a reduced annuity under this paragraph dies and is survived by a spouse, a survivor annuity shall be paid to the surviving spouse equal to 55 percentum of the full amount of the participant's annuity computed under paragraph (a) of this section, or by 55 percentum of any lesser amount the annuitant designated at the time of retirement as the base for the survivor benefit.

"(2) An annuity payable from the Fund to a surviving spouse shall commence on the day after the annuitant dies and shall terminate on the last day of the month before the survivor's (A) remarriage prior to attaining age sixty or (B) death. If a survivor annuity is terminated because of remarriage under (A) above, it shall be restored at the same rate commencing on the date such remarriage is terminated provided any lump sum paid upon termination of the annuity is returned to the Fund."

(d) Paragraph (d) of section 821 of such Act is amended by adding the following sentence at the end: "If the annuity to a surviving child is initiated or resumed, the annuities of any other children shall be recomputed and paid as though the annuity to such child had never been discontinued."

(e) Paragraph (e) of section 821 of such Act is amended to read as follows:

"(e) The annuity payable to a child under paragraph (c) or (d) of this section shall begin on the day after the participant dies or if the child is not then qualified, on the first day of the month in which the child becomes or again becomes a student. A child's annuity shall terminate on the last day of the month which precedes the month in which eligibility ceases."

(f) Paragraph (f) of section 821 of such Act is amended by (A) changing "50" to "55" in the first sentence and (B) changing the last sentence to read as follows: "The annuity payable to a beneficiary under the provisions of this paragraph shall begin on the day after the annuity dies and shall terminate on the last day of the month preceding the survivor's death."

(g) Section 821 of such Act is further amended by adding the following new paragraphs at the end:

"(g) An annuitant who was unmarried at retirement and who later marries may, within one year after such marriage, irrevocably elect in writing a reduced annuity with benefit to any surviving spouse who qualifies under section 804(b). The reduction in annuity shall be effective the first day of the month after notice of the election is received by the Secretary. Receipt by the Secretary of notice of an election under this paragraph voids prospectively any election previously made under paragraph (f). The reduction in annuity required by an election under this paragraph shall be computed and the amount of the survivor annuity shall be determined as if the election were made under paragraph (b) (1). The annuity reduction or recomputation shall be effective the first day of the month after notice of the election is received by the Secretary.

"(h) A surviving spouse shall not become entitled to a survivor annuity or to the restoration of a survivor annuity payable from the Fund unless the survivor elects to receive it instead of any other survivor annuity to which he or she may be entitled under this or any other retirement system for Government employees.

"(i) Any married annuitant who reverts to retired status with entitlement to a supplemental annuity under section 871 shall unless the annuitant elects in writing to the contrary at that time, have the supplemental annuity reduced by 10 percentum, to provide a supplemental survivor annuity for his or her spouse. Such supplemental survivor annuity shall be equal to 55 percentum of the annuitant's supplemental annuity and shall be payable to a surviving spouse to whom the annuitant was married at the time of reversion to retired status or to whom the annuitant had been married for at least two years at the time of death or who is the parent of a child born of the marriage."

#### PAYMENT OF ANNUITIES

Sec. 105. Part C of title VIII of such Act is further amended by adding the following new section at the end:

May 14, 1973

"Sec. 822. (a) Except as otherwise provided, the annuity of a participant who has met the eligibility requirements for annuity shall commence on the day after separation from the Service or on the day after pay ceases. The annuity of a former participant who is entitled to a deferred annuity under section 834 or under any other section of this Act shall begin on the day he or she reaches age 60.

"(b) The annuity to a survivor shall become effective as otherwise specified but shall not be paid until the survivor submits an application therefor supported by such proof of eligibility as the Secretary may require. If such application or proof of eligibility is not submitted during an otherwise eligible person's lifetime, no annuity shall be due or payable to his or her estate.

"(c) An individual entitled to annuity from the Fund may decline to accept all or any part of the annuity by submitting a signed waiver to the Secretary. The waiver may be revoked in writing at any time. Payment of the annuity waived may not be made for the period during which the waiver was in effect.

"(d) Recovery of overpayments under this title may not be made from an individual when, in the judgment of the Secretary, the individual is without fault and recovery would be against equity and good conscience."

#### DISABILITY ANNUITIES—TECHNICAL CHANGE

Sec. 106. Section 831 of such Act is amended (A) by striking the phrase "that is credited in accordance with provisions of section 851 or 852(a)(2)" from paragraph (a) thereof; (B) by striking "(a)" following "section 841" in paragraph (c) thereof; (C) by amending paragraph (d) thereof to read as follows: "(d) No participant shall be entitled to receive an annuity under this Act and compensation for injury or disability to himself or herself under subchapter 1 of chapter 31, title 5, United States Code, covering the same period of time except that a participant may simultaneously receive both an annuity under this section and scheduled disability payments under 5 U.S.C. 8107. This provision shall not bar the right of any claimant to the greater benefit conferred by either this Act or such subchapter for any part of the same period of time. Neither this provision nor any provision of such subchapter shall be so construed as to deny the right of any participant to receive an annuity under this Act and to receive concurrently any payment under such subchapter by reason of the death of any other person"; and (D) by striking the phrase "section 14 of the Act of September 16, 1916, as amended "from paragraph (e) thereof and substituting "5 U.S.C. 8135" in lieu thereof.

#### DEATH IN SERVICE

Sec. 107. (a) Section 832 of such Act is amended by revising paragraphs (a), (b), (c), and (d) to read as follows:

"(a) In case a participant dies and no claim for annuity is payable under the provisions of this Act, the lump-sum credit shall be paid in accordance with section 841.

"(b) If a participant who has at least eighteen months of civilian service credit toward retirement under the System dies before separation or retirement from the Service and is survived by a spouse, such surviving spouse shall be entitled to an annuity equal to 55 per centum of the annuity computed in accordance with the provisions of paragraph (e) of this section and of section 821(a).

"(c) If a participant who has at least eighteen months of civilian service credit toward retirement under the System dies before separation or retirement from the Service and is survived by a wife or a husband and a child or children, each surviv-

ing child shall be entitled to an annuity computed in accordance with paragraphs (c)(1) and (d) of section 32.

"(d) If a participant who has at least eighteen months of civilian service credit toward retirement under the System dies before separation or retirement from the Service and is not survived by a wife or husband, but by a child or children, each surviving child shall be entitled to an annuity computed in accordance with paragraphs (c)(2) and (d) of section 821."

(b) Section 832 of such Act is further amended by adding the following new paragraphs at the end:

"(f) If any annuitant who elected a reduced annuity dies in Service after being recalled under section 520(b) and is survived by a spouse entitled to a survivor annuity based on such an election, such survivor annuity shall be computed as if the recall service had otherwise terminated on the day of death and the deceased's annuity had been resumed in accordance with section 871. If such a death occurs after the annuitant has completed sufficient recall service to attain eligibility for a supplemental annuity, a surviving spouse, in addition to any other benefits, shall be entitled to a supplemental survivor annuity computed under section 821(1) as if the recall service had otherwise terminated. If the annuitant had completed sufficient recall service to attain eligibility to have his or her annuity determined anew, a surviving spouse may elect, in lieu of any other benefit under this title, to have the annuitant's rights redetermined and to receive a survivor annuity computed under paragraph (b) of this section on the basis of the annuitant's total service.

"(g) Annuities that become payable under this section shall commence, terminate and be resumed in accordance with paragraphs (b)(2) or (e) of section 821, as appropriate."

#### DISCONTINUED SERVICE—TECHNICAL CHANGE

Sec. 108. Section 834 of such Act is amended (A) by striking "(a)" immediately following "Sec. 834."; (B) by striking the phrase "that is credited in accordance with the provisions of section 851 or 852(a)(2) from the first paragraph thereof; and (C) by deleting paragraph (b) thereof.

#### LUMP-SUM PAYMENTS

Sec. 109. Part E of Title VIII of such Act is amended to read as follows:

##### "PART E—LUMP-SUM PAYMENTS

"Sec. 841. (a) 'Lump-sum credit' as used in this title means the compulsory and special contributions to a participant's or former participant credit in the Fund plus interest thereon compounded at 4 per centum per annum to the date of separation or December 31, 1974, whichever is earlier, and after such date for a participant who separates from the Service after completing at least one year of civilian service and before completing five years of such service, at the rate of 3 per centum per annum to the date of separation. Interest shall not be paid for a fractional part of a month in the total service or on compulsory and special contributions from an annuitant for recall service or other service performed after the date of separation which forms the basis for annuity.

"(b) Whenever a participant becomes separated from the Service without becoming eligible for an annuity or a deferred annuity in accordance with the provisions of this Act, the lump-sum credit shall be paid to the participant.

"(c) Whenever an annuitant becomes separated from the Service following a period of recall service without becoming eligible for a supplemental or recomputed annuity under section 871, the annuitant's compulsory contributions to the Fund for such service together with any special contributions the annuitant may have made for other service

performed after the date of separation from the Service which forms the basis for annuity shall be returned without interest.

"(d) If all annuity rights under this title based on the service of a deceased participant or annuitant terminate before the total annuity paid equals the lump-sum credit, the difference shall be paid in the order of precedence shown in paragraph (g) of this section.

"(e) If a participant or former participant dies and is not survived by a person eligible for an annuity under this title or by such a person or persons all of whose annuity rights terminate before a claim for survivor annuity is filed, the lump-sum credit shall be paid in accordance with paragraph (g) of this section.

"(f) If an annuitant who was a former participant dies, annuity accrued and unpaid, shall be paid in accordance with paragraph (g) of this section.

"(g) Payments authorized in paragraphs (d) through (f) of this section shall be paid in the following order of precedence to such person or persons surviving the participant and alive on the date entitlement to the payment arises, upon the establishment of a valid claim therefor, and such payment shall be a bar to recovery by any other person.

"(1) To the beneficiary or beneficiaries last designated by the participant before or after retirement in a signed and witnessed writing received by the Secretary prior to the participant's death. For this purpose a designation, change, or cancellation of beneficiary in a will or other document not so executed and filed shall have no force or effect;

"(2) If there be no such beneficiary, to the surviving wife or husband of such participant;

"(3) If none of the above, to the child or children of such participant (including adopted and natural children but not stepchildren) and descendants of deceased children by representation;

"(4) If none of the above, to the parents of such participant or the survivor of them;

"(5) If none of the above, to the duly appointed executor or administrator of the estate of such participant;

"(6) If none of the above, to other next of kin of such participant as may be determined in the judgment of the Secretary to be legally entitled thereto except that no payment shall be made pursuant to this subparagraph until after the expiration of thirty days from the death of the participant or annuitant.

"(h) Annuity accrued and unpaid on the death of a survivor annuitant shall be paid in the following order of precedence, and the payment bars recovery by any other person: First, to the duly appointed executor or administrator of the estate of the survivor annuitant; second, if there is no such executor or administrator, payment may be made, after the expiration of thirty days from the date of death of such survivor annuitant, to such person as may be determined by the Secretary to be entitled under the laws of the survivor annuitant's domicile at the time of death."

#### CREDITABLE SERVICE

Sec. 110. (a) The heading of section 851 of such Act is amended to read as follows: "CREDITABLE SERVICE".

(b) Paragraph (a) of section 851 of such Act is amended to read as follows:

"(a) Except as otherwise specified by law, all periods of civilian and military service and periods of absence and separation therefrom completed by a participant through the date of final separation from the Service that would be creditable, as determined by the Secretary, under 5 U.S.C. 8332 toward retirement under the Civil Service Retirement and Disability System, if performed by an employee under that system, shall be creditable for purposes of this title. Conversely, any such service that is not creditable under specified conditions under 5 U.S.C. 8332 shall

May 14, 1973

be excluded under this title under the same conditions."

(c) Section 851 of such Act is further amended by adding the following new paragraphs at the end thereof:

"(c) (1) A participant who enters on approved leave without pay to serve as a full-time officer or employee of an organization composed primarily of Government employees may, within 60 days after entering on that leave without pay, file with the employing agency an election to receive full retirement credit for such periods of leave without pay and arrange to pay concurrently into the Fund through the employing agency, amounts equal to the retirement deductions and agency contributions on the Foreign Service salary rate that would be applicable if the participant were in a pay status. If the election and all payments provided by this paragraph are not made for the periods of such leave without pay occurring after the effective date of this paragraph, the participant may not receive any credit for such periods of leave without pay occurring after such date.

"(c) (2) A participant may make a special contribution in accordance with section 811 for any period or periods of approved leave without pay while serving, before the effective date of this paragraph, as a full-time officer or employee of an organization composed primarily of Government employees. Any such contribution shall be based upon the suspended Foreign Service salary rate. A participant who makes such a contribution shall be allowed full retirement credit for the period or periods of leave without pay. If the deposit is not made in full, retirement credit shall be allowed for so much of the periods of leave without pay as do not exceed 6 months in the aggregate in any calendar year.

"(d) A participant who has received a refund of retirement contributions (which has not been repaid) under this or any other retirement system for Government employees covering service which may be creditable, may make a special contribution for such service pursuant to section 811. Credit may not be allowed for service covered by the refund unless the special contribution is made.

"(e) No credit in annuity computation shall be allowed for any period of civilian service during which a participant was covered under another retirement system for Government employees unless 1) the right to any annuity under the other system which is based on such service is waived and 2) a special contribution is made covering such service pursuant to section 811.

"(f) A participant who during the period of a war, or of a national emergency as proclaimed by the President or declared by the Congress, leaves the Service to enter the military service is deemed, for the purpose of this title, as not separated from the Service unless the participant applies for and receives a lump-sum payment under section 841. However, the participant is deemed to be separated from the Service after the expiration of five years of such military service."

#### FUNDING NORMAL COST

SEC. 111. Section 865 of such Act is amended (A) by inserting "(a)" immediately after "Sec. 865," and (B) by adding the following new paragraph at the end thereof:

"(b) At the end of each fiscal year, the Secretary shall notify the Secretary of the Treasury of the amount of the Foreign Service normal cost for that year which was not met by contributions under section 811(a). Before closing the accounts for that year, the Secretary of the Treasury shall credit such amount to the Fund as a Government contribution out of any money in the Treasury of the United States not otherwise appropriated. The Secretary shall report to the President and to the Congress the sums credited to the Fund under this section."

#### ANNUITY ADJUSTMENT FOR RECALL SERVICE

SEC. 112. Section 871 of such Act is amended to read as follows:

"Sec. 871. Any annuitant recalled to duty in the Service in accordance with the provisions of section 520(b) shall, while so serving, be entitled in lieu of annuity to the full salary of the class in which serving. During such service, the recalled annuitant shall make contributions to the Fund in accordance with the provisions of section 811. On the day following termination of the recall service, the former annuity shall be resumed adjusted by any cost-of-living increases(s) under section 882 that became effective during the recall period. If the recall service lasts less than one year, the annuitant's contributions to the Fund during recall service shall be refunded in accordance with section 841. If the recall service lasts more than one year, the annuitant may, in lieu of such refund, elect a supplemental annuity computed under section 821 on the basis of service credit and average salary earned during the recall period irrespective of the number of years of service credit previously earned. If the recall service continues for at least five years, the annuitant may elect, in lieu of having his or her former annuity resumed and supplemented as provided in this paragraph, to have his or her annuity determined anew under section 821. Any annuitant who is recalled under section 520(b) may, upon written application, count as recall service any prior service that is creditable under section 851 that was performed after the separation upon which his or her annuity is based."

#### VOLUNTARY CONTRIBUTIONS

SEC. 113. (a) Amend paragraph (a) of section 881 of such Act by deleting the portion of such paragraph that precedes subparagraph (1) thereof and substitute the following in lieu thereof:

"(a) The voluntary contribution account shall be the sum of unrefunded amounts heretofore voluntarily contributed by any participant or former participant under this section or under a prior corresponding provision of law, plus interest compounded at the rate of 3 per centum per annum to date of separation from the Service or in case of a participant or former participant separated with entitlement to a deferred annuity to the date the voluntary contribution account is claimed, or to the commencing date fixed for the deferred annuity or to the date of death, whichever is earlier. A participant's or former participant's account shall, effective on the date the participant becomes eligible for an annuity or a deferred annuity and at the participant's election, be—

(b) Section 881 of such Act is further amended by deleting paragraphs (c) and (d) thereof and by adding the following new paragraph in lieu thereof:

"(c) A voluntary contribution account shall be paid in a lump sum following receipt of an application therefor from a present or former participant provided application is filed prior to payment of any additional annuity. If not sooner paid, the account shall be paid at such time as the participant separates from the Service for any reason without entitlement to an annuity, or a deferred annuity or at such time as a former participant dies or withdraws compulsory contributions to the Fund. In case of death, the account shall be paid in the order of precedence specified in section 841 (g)."

#### COST-OF-LIVING ADJUSTMENTS

SEC. 114. (a) Paragraphs (a), (b) and (c) of section 882 of such Act are amended to read as follows:

"(a) A cost-of-living annuity increase shall become effective under this section on the effective date of each such increase under

title 5, United States Code, section 8340(b), as amended. Each such increase shall be applied to each annuity payable from the Fund which has a commencing date not later than the effective date of the increase.

"(b) The first annuity increase under this section after the effective date of this paragraph shall equal 1 per centum plus the per centum rise in the price index, adjusted to the nearest one-tenth of 1 per centum, between the month last used to establish an increase under this section and the base month used to establish the concurrent increase under title 5, United States Code, section 8340(b), as amended. Each subsequent annuity increase under this section shall be identical to the corresponding percentage increase under title 5, United States Code, section 8340(b), as amended.

"(c) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the Fund as of the effective date of an increase except as follows:

"(1) Effective from its commencing date, an annuity payable from the Fund to an annuitant's survivor, except a child entitled under section 821(c) or 832 (c) or (d), shall be increased by the total per centum increase the annuitant was receiving under this section at death.

"(2) For purposes of computing or recomputing an annuity to a child under section 821 (c) or (d) or 832 (c) or (d), the items \$900, \$1,080, \$2,700, and \$3,240 appearing in section 821(c) shall be increased by the total per centum increases by which corresponding amounts are being increased under 5 U.S.C. 8340 on the date the child's annuity becomes effective."

(b) Section 882 of such Act is further amended by adding the following new paragraph at the end thereof:

"(f) Effective with the first day of the second month which begins after the date of enactment of the Foreign Service Retirement Amendments of 1973 or on the commencing date of an annuity, whichever is later, the annuity of each surviving spouse whose entitlement to annuity resulted from the death—

"(1) before enactment of the said Amendments, of a participant or a former participant entitled to benefits under section 634 (b); or (2) of an annuitant who, prior to enactment of the said Amendments elected a reduced annuity under this or any other act in order to provide a spouse's survivor annuity—

is increased by 10 per centum."

#### REPEALS

SEC. 115. Such Act is further amended by deleting sections 833, 852, and 854, and the headings thereto.

#### TITLE II—OTHER FOREIGN SERVICE ACT AMENDMENTS

##### RECALL

SEC. 201. (a) The heading of section 520 of such Act is amended to read "REAPPOINTMENT AND RECALL".

(b) Paragraph (b) of section 520 of such Act is amended to read as follows:

"(b) Whenever the Secretary determines it to be in the public interest, any retired officer or employee of the Service may be recalled for active duty on a temporary or limited basis to any appropriate class in his or her former category, except that a retired Foreign Service officer may not be recalled to a class higher than he or she held at the time of retirement."

##### RETIREMENT OF CAREER AMBASSADORS

SEC. 202. Section 631 and the heading thereto of such Act are amended to read as follows:

##### "FOREIGN SERVICE OFFICERS WHO ARE CAREER AMBASSADORS"

"SEC. 631. Any Foreign Service officer who is a career ambassador, other than one oc-



cupping a position as chief of mission or any other position to which appointed by the President, by and with the advice and consent of the Senate, shall be retired from the Service at the end of the month in which the officer reaches age sixty-five and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, such an officer may be retained on active service for a period not to exceed five years. Any such officer who completes a period of authorized service after reaching age sixty-five shall be retired at the end of the month in which such service is completed."

#### RETIREMENT OF PARTICIPANTS WHO ARE NOT CAREER AMBASSADORS

Sec. 203. Section 632 and the heading thereto of such Act are amended to read as follows:

#### "PARTICIPANTS IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM WHO ARE NOT CAREER AMBASSADORS

"SEC. 632. Any participant in the Foreign Service retirement and disability system, other than one occupying a position as chief of mission or any other position to which appointed by the President, by and with the advice and consent of the Senate, who is not a career ambassador shall be retired from the Service at the end of the month in which the participant reaches age sixty and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, such a participant may be retained on active service for a period not to exceed five years. Any such participant who completes a period of authorized service after reaching age sixty shall be retired at the end of the month in which such service is completed."

#### SELECTION-OUT BENEFITS—TECHNICAL CHANGE

Sec. 204. Paragraph (b) of section 634 of such Act is amended by striking from subparagraph (2) thereof:

(A) "with interest" after the words "Disability Fund" the first time the latter appears;

(B) "(a)" after "section 841" the first time the latter appears;

(C) "that is credited in accordance with the provisions of section 851 or 852(a)" after "naval service";

(D) "with interest as provided in section 841(a)," after "Disability Fund" the last time the latter appears; and

(E) "(b)" after "section 841" the last time the latter appears.

#### SEPARATION FOR CAUSE—TECHNICAL CHANGE

Sec. 205. Section 637 of such Act is amended by striking from the first sentence of paragraph (b) thereof:

(A) "with interest" after "Disability Fund";

(B) "(a)" after "section 841"; and

(C) "that is credited in accordance with the provisions of section 851 or 852(a)" after "naval service".

Such paragraph (b) is further amended by striking the last sentence thereof in its entirety.

#### TITLE III—TEMPORARY AND TRANSITIONAL PROVISIONS

##### CONVERSION TO FOREIGN SERVICE RETIREMENT SYSTEM

SEC. 301. (a) In accordance with such regulations as the President may prescribe, all Foreign Service staff officers and employees with unlimited appointments who (a) have been appointed by the Secretary of State or the Director, United States Information Agency, and (b) are participants in the Civil Service Retirement and Disability System on the effective date of this section, shall be transferred to the Foreign Service Retirement and Disability System effective on such date. Their retirement contributions

shall be transferred in accordance with section 811 of the Foreign Service Act of 1946, as amended by this Act.

(b) Section 632 of the Foreign Service Act of 1946, as amended, shall not apply to any Foreign Service staff officer or employee appointed by the Secretary of State who becomes a participant in the Foreign Service Retirement and Disability System pursuant to paragraph (a) of this section until such officer or employee completes 10 years of continuous service in the Foreign Service of the Department of State, exclusive of military service.

(c) Any Foreign Service staff officer or employee appointed by the Director of the United States Information Agency who becomes a participant in the Foreign Service Retirement and Disability System under paragraph (a) of this section, shall, for purposes of determining the date of mandatory retirement under section 9(c) of the Act of August 20, 1968 (82 STAT. 812), be deemed to have become a participant pursuant to section 9(b) of such Act: *Provided*, That section 9(c) of such Act shall not apply until such an officer or employee completes 10 years of continuous service, exclusive of military service, in the Foreign Service of the United States Information Agency.

(d) Any Foreign Service staff officer or employee who becomes a participant in the Foreign Service Retirement and Disability System pursuant to paragraph (a) of this section who is age 57 or over on the effective date of this section may retire voluntarily at any time prior to mandatory retirement and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

(e) Section 9(b) of the Act of August 20, 1968 (82 Stat. 812) is repealed on the effective date of this section.

#### GRANTS TO CERTAIN WIDOWS AND SURVIVOR ANNUITY ELECTIONS

SEC. 302. (a) A Foreign Service annuitant who was married at the time of retirement whose service terminated prior to October 16, 1960, and who has not elected any survivor benefit, may, within one hundred and twenty days after the date of enactment of this Act, elect a reduction in his or her annuity of \$300 per annum and provide a survivor benefit of \$2,400 per annum payable to the annuitant's surviving spouse provided the marriage had been in effect for at least two years at the time of death or resulted in the birth of a child. The survivor annuity shall commence, terminate and be resumed as if it had been elected under section 821(b) of the Foreign Service Act of 1946, as amended by this Act.

(b) An annuitant who makes an election under paragraph (a) of this section shall pay into the Foreign Service Retirement and Disability Fund an amount equal to \$25 times the number of full months between the commencing date of his or her annuity and the first of the month following receipt of notice of the election by the Secretary of State. This amount may be paid into said Fund by deduction from annuity in multiples of \$25 per month: The annuity reduction under paragraph (a) of this section and the deduction under this paragraph shall commence effective the first of the month following receipt of notice of the election by the Secretary of State. The deduction under this paragraph shall continue until the required amount has been paid into said Fund or until the annuitant's death, whichever occurs first; and if the latter, any remaining portion of such required amount shall be deemed to have been paid.

(c) If a Foreign Service annuitant who separated from the Foreign Service prior to October 16, 1960, died before the date of enactment of this Act or dies within one hundred and twenty days after such date of enactment leaving a spouse to whom married at retirement who is not entitled to receive

a survivor annuity under the terms of 5 U.S.C. 8133 or any law authorizing payment from the Foreign Service retirement and Disability Fund and who qualifies under section 821(h) of the Foreign Service Act of 1946, as amended by this Act, the Secretary of State shall grant such surviving spouse, if not remarried prior to age 60, an annuity, to be payable from such Fund in the amount of \$2,400 per annum adjusted by all cost-of-living increases received by widows granted annuities under section 4 of the Act of October 31, 1965 (79 Stat. 1130). An annuity to a surviving spouse who remarried prior to age 60 may be initiated or resumed under this paragraph in accordance with the provisions of paragraphs (b) and (h) of section 821 of the Foreign Service Act of 1946, as amended, if such remarriage has terminated or terminates in the future.

#### EFFECTIVE DATES

SEC. 303. (a) Section 301 of this Act and sections 803 and 881 of the Foreign Service Act of 1946 as amended by this Act shall be effective on the first day of the first pay period which begins more than 90 days after enactment of this Act.

(b) Effective on the last day of the first month which ends after the enactment of this Act, all Foreign Service survivor annuities then in effect shall terminate on the last day of a month in accordance with the provisions of paragraphs (b) (2), (e) and (f) of section 821 of the Foreign Service Act of 1946 as amended by this Act.

(c) The amendment of section 804 of the Foreign Service Act of 1946 made by this Act broadening eligibility for children's survivor annuities shall apply to all surviving children regardless of the date of death of the principal.

(d) Paragraph (g) of section 821 of the Foreign Service Act of 1946 as added by this Act shall apply to both present and future Foreign Service annuitants. Any annuitant who married after retirement but prior to the date of enactment of this Act may make an election under said paragraph (g) provided notice of the election is received by the Secretary of State within one year after such date of enactment.

(e) If an annuitant dies on or after January 8, 1971, who, prior to enactment of this Act, elected a reduced annuity with a benefit to a surviving spouse, and is survived by a spouse acquired after such election who qualifies under section 804(b) of the Foreign Service Act of 1946, as amended by this Act, such surviving spouse shall be entitled to an annuity computed under the law in effect at the time of such election and in accordance with all other applicable statutes. Such an annuity shall commence, terminate and be resumed in the same manner as an annuity payable under section 821(b) of the said Foreign Service Act.

(f) Paragraph (a) of section 822 of the Foreign Service Act of 1946 as added by this Act shall be effective on the first day of the first month which begins on or after enactment of this Act.

(g) Paragraph (a) of section 841 of the Foreign Service Act of 1946 as amended by this Act shall not apply to participants separated from the Foreign Service prior to the date of enactment of this Act nor to their survivors. All payments from the Foreign Service retirement fund that become due on and after such date of enactment shall be paid in the order of precedence specified in such section 841 irrespective of the date of separation.

(h) Paragraph (c) of section 851 of the Foreign Service Act of 1946 as added by this Act shall be effective on the first day of the first pay period that begins more than 30 days after enactment of this Act. A participant who is on approved leave without pay and is serving as a full-time officer or employee of an organization composed primarily of Government employees on such

May 14, 1973

S 8898

effective date shall have 60 days from such date to file an election under paragraph (c) of said section 851.

(i) paragraph (f) of section 851 of the Foreign Service Act of 1946 as added by this Act shall apply, in addition to present participants, to former participants who separated from the Foreign Service to enter the Armed Forces within the five-year period immediately preceding the date of enactment of this Act and who are members of the Armed Forces on such date of enactment.

(j) The annuity of a survivor who becomes immediately eligible for an annuity under paragraph (c) of section 302 of this Act or paragraphs (c) or (e) of this section shall become effective the first day of the first month which begins after enactment of this Act. However, payment shall be made only after receipt by the Department of State of such application for annuity and such proof of eligibility as the Secretary may require. If such application and proof of eligibility are not submitted during an otherwise eligible person's lifetime, no annuity shall be due or payable to his or her estate.

(k) The amendment of paragraphs (a) and (b) of section 882 of the Foreign Service Act of 1946 made by this Act shall be effective on the fifteenth day of the third month which begins after enactment of this Act.

(l) The amendment of sections 631 and 632 of the Foreign Service Act of 1946 made by this Act are effective upon enactment except that any Foreign Service officer who is or becomes a career minister and who is not occupying a position to which appointed by the President, by and with the advice and consent of the Senate, shall be mandatorily retired for age in accordance with the schedule below and receive benefits under section 321 of the Foreign Service Act of 1946, as amended, unless the Secretary determines it to be in the public interest to extend such officer's service for a period not to exceed five years:

#### RETIREMENT SCHEDULE

(1) Any career minister who reaches age sixty-five during the month of enactment of this Act shall be retired at the end of such month;

(2) Other career ministers who are age sixty or over as of the date of enactment of this Act shall be retired at the end of the month which contains the midpoint between the last day of the month of enactment of this Act and the last day of the month during which the officer would reach age sixty-five, counting thirty days to the month; and

(3) On the last day of the thirtieth month which ends after the date of enactment of this Act, all other career ministers who are age sixty or over shall be retired, and thereafter the amendment made by subsection (a) shall be applicable in all cases.

(4) Any career minister who completes a period of authorized service after he reaches mandatory retirement age as provided in the above schedule shall be retired at the end of the month in which the officer completes such service.

DEPARTMENT OF STATE,  
Washington, D.C., April 19, 1973.

Hon. SPLO T. AGNEW,  
President of the Senate,  
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith for consideration of the Congress proposed legislation to amend the Foreign Service Act of 1946 to improve the Foreign Service Retirement and Disability System. The following are the most significant of these improvements.

1. Addition of a permanent indefinite appropriation to authorize the Secretary of the Treasury to deposit annually in the Foreign Service Retirement Fund the balance of the Foreign Service normal retirement cost not met by other applicable receipts. If the proposed legislation is enacted, about \$6 million annually would be required for this purpose

at current payroll levels. As described more fully in the enclosed explanation of the proposed amendment of section 855, the career nature of the Foreign Service and its somewhat superior benefit formula make the cost of the Foreign Service retirement system proportionately greater than the cost of the Civil Service system. Consequently, the normal cost of the Foreign Service retirement system is not being fully met by the current seven percent employee and matching Government contributions as in the normal cost of the Civil Service system. Additional funds are therefore required to meet this cost. The proposed permanent indefinite appropriation would meet this requirement.

2. Revision of Foreign Service survivor and service credit provisions to equate them to corresponding Civil Service provisions. The proposed benefit changes would increase the normal cost of the system an estimated \$418,000 and the unfunded liability by \$20 million. The \$418,000 is included in the \$6 million figure mentioned above as the amount required to fully pay the Foreign Service normal cost. An appropriation of \$1,301,000 per year for 30 years would be required to amortize the \$20 million increase in unfunded liability pursuant to section 855 of the Foreign Service Act. A detailed cost estimate is enclosed.

3. Elimination of the ten-year waiting period Foreign Service staff personnel now must serve before becoming participants in the Foreign Service retirement system. This change is expected to result in an annual savings to the system of approximately \$700,000. This saving is also reflected in the above \$6 million figure.

4. Lowering of career minister mandatory retirement age to the regular Foreign Service retirement age of 60. This would have a negligible cost impact.

The above and other changes are fully explained in the enclosures. These changes will promote equity, improve financing and facilitate management of the Foreign Service retirement system. We would appreciate the early consideration and approval of them by the Congress.

We are advised by the Office of Management and Budget that there is no objection from the standpoint of the President's program to the submission of this proposal.

Sincerely,  
W. MARSHALL WRIGHT,  
Acting Assistant Secretary for Congressional Relations.

By Mr. DOMINICK:

S. 1792. A bill to extend the authorization of appropriations for the Bilingual Education Act, for the dropout prevention program, and for section 309 of the Adult Education Act. Referred to the Committee on Labor and Public Welfare.

Mr. DOMINICK. Mr. President, a few weeks ago, I introduced the Better Schools Act (S. 1319), the administration's education revenue sharing proposal. The bill I introduce today is a companion measure designed to extend for 1 year three education programs which are not incorporated into the Better Schools Act, but which will rather be retained at the Federal level.

This bill would extend the bilingual education program, the dropout prevention program, and the special experimental demonstration projects, and teacher training program—section 309—of the Adult Education Act. The administration's original proposal has been modified to show actual budget figures. Should the Better Schools Act not receive prompt action, it may be that the bill will have to be modified; and a num-

ber of my colleagues feel that, in any event, the authorization should be increased.

By Mr. CANNON:

S. 7973. A bill to provide for coverage, under the insurance system established by title II of the Social Security Act, of service performed by employees of the Government Printing Office. Referred to the Committee on Finance.

SOCIAL SECURITY FOR CERTAIN GPO EMPLOYEES

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a bill to provide social security coverage for certain Government Printing Office employees not now eligible for either civil service retirement benefits or Federal old-age, survivors, and disability insurance.

Generally speaking, Federal employees who are not covered by the civil service or other Federal retirement system established by law are covered by the insurance and tax provisions of the Social Security Act. That law, however, defines "employment" to specifically exclude all employment performed in the legislative branch. Since the Government Printing Office is a legislative agency, work performed in the Office is excluded from the definition of employment entitling a person to Federal old-age and survivors benefits. The effect has been to deny social security coverage to approximately 900 temporary and intermittent employees of the Government Printing Office, even though they are not otherwise eligible for the civil service retirement system. Moreover, since most other Federal employees who are not covered by a Federal retirement system do receive coverage under the Social Security Act, this works an inequitable burden on those employees of GPO who are not so covered. This bill would eliminate that inequity.

By Mr. CANNON:

S. 1794. A bill to amend section 308 of title 44, United States Code, relating to the disbursing officer, deputy disbursing officer, and certifying officers and employees of the Government Printing Office. Referred to the Committee on Rules and Administration.

ACCOUNTABILITY OF GPO DISBURSING AND CERTIFYING OFFICERS

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a bill to restore certain sections omitted from the codification of title 44 concerning the functions of the Government Printing Office disbursing officer and will also provide for accountability and relief of GPO certifying officers in the same manner as that afforded to other Government certifying officers.

Since 1923 the disbursement functions of the Government Printing Office have been vested in the disbursing clerk, who is charged with accountability for receipts and disbursements of all funds for the GPO. The provisions detailing his responsibilities, while not repealed, have nevertheless been omitted from the last several editions of the United States Code, including the recent codification of title 44—Public Law 90-620, October 22, 1968.

Moreover, the disbursing officer of the